Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of the	)	
	)	
Rules and Regulations Implementing	)	
	)	**CG Docket No. 02-278**
the Telephone Consumer Protection	)	
	)	
Act of 1991	)	

Reply Comments of Joe Shields on the Comments of Genesys Communications Laboratories Inc. on the Consumer Bankers Association Petition for Declaratory Ruling

I hereby submit these reply comments on the comments filed by Genesys Communications Laboratories Inc. on the Consumer Bankers Association Petition for Declaratory Ruling. The commentor regurgitates the same baseless arguments made by many for creation of a virtually irrefutable defense that the caller meant to reach someone else.

Commentor claims that: "called party" "…within the context of the statutory defense has been perverted." It is the commentor that is attempting to pervert the meaning of called party into something that serves only those that find the TCPA to be an impediment to their business strategy. Called party is used many times in the TCPA and each time it refers to the user of the cell phone. The commentor is blind to the fact that only the called party can be charged for the call, only the called party can be provided with the identity of the caller during a call and only the called party can hang up on a call. The commentor is blind to the fact that an "intended" called party can do none of those things.

Further, the commentor claims that "called party": "…has been applied differently by different courts." This misnomer was created out of thin air by those seeking to neuter the TCPA. As has been repeatedly pointed out to the Commission and which commentors are ignoring is that the courts are unanimous in their decisions that the called party is the user of the cell phone and not some intended called party.

The commentor would have the Commission pervert the protections of the TCPA to such an extreme that the TCPA would become meaningless to those harmed by unwanted and unauthorized calls to reassigned numbers.

Degrading TCPA protection is not warranted by increased use of cell phones. In fact increased us of cell phones suggests that the Commission provide more not less protections to cell phones to ensure that consumers can use their smart phones in new and innovative ways. The Commission should exercise its authority to protect the privacy and safety of cell phone users.

The Commission can and must deny the CBA petition.

Respectfully submitted,

_____/s/_____

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